

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b) Robertson, Anschutz, Schneid, Crane & Partners, PLLC Authorized Agent for Secured Creditor 130 Clinton Road, Lobby B, Suite 202 Fairfield, NJ 07004 Telephone: 973-575-0707 Facsimile: 973-404-8886 Aleisha C Jennings, Esquire (049302015)	CASE NO.: 19-12523-MBK CHAPTER 13 HEARING DATE: April 12, 2023 JUDGE: Michael B. Kaplan
In Re: Irene M Heyler Debtor.	

RESPONSE TO DEBTORS' MOTION TO REINSTATE THE AUTOMATIC STAY

COMES NOW, LoanCare, LLC ("Secured Creditor"), by and through undersigned counsel, and hereby files its Response to Debtor's Motion to Reinstate Automatic Stay (the "Motion to Reinstate") and, in support thereof, states as follows:

1. On February 6, 2019 Debtor filed a Voluntary Chapter pursuant to Chapter 13 of the Bankruptcy Code.
2. Secured Creditor holds a security interest in the Debtor's real property located at 174 Marlboro Road, Old Bridge, New Jersey 08857 ("Property") by virtue of a Mortgage recorded on October 4, 2006 in Book 11868 at Page 190 of the Public Records of Middlesex County, NJ.
3. First and foremost, this is the **third** Motion to Reinstate Stay filed by Debtor during the life of the current bankruptcy case.
4. On November 1, 2019, Secured Creditor filed its first Motion for Relief from Stay (DE 49) ("the Motion for Relief") in the current case. As of October 4, 2019, Debtor was due for

the September and October 2019 payments for a total due of \$2,259.40. The Motion was marked as Settled and an Order resolving the Motion was to be submitted. Unfortunately, Secured Creditor and Debtor could not come up with an amicable resolution and consequently the Motion for Relief from Stay was relisted on April 6, 2020. The Motion was unopposed and an Order Vacating Stay was entered on April 28, 2020 (DE 52).

5. On June 15, 2020, Debtor filed the first Motion to Reinstate (DE 57) alleging they remitted all payments and were current. Secured Creditor filed opposition (DE 58) in response to Debtor's Motion stating Debtor was not current and owed post-petition arrears in the sum of \$7,297.43. Debtor subsequently withdrew their Motion (DE 59).
6. On October 12, 2020, Debtor filed the second Motion to Reinstate (DE 57) using the same Debtor certification as the first Motion to Reinstate in which they alleged they remitted all payments and were current. Unfortunately, Secured Creditor missed the deadline to file timely opposition and Debtor's Motion was procedurally granted (DE 63).
7. On January 4, 2023 Secured Creditor filed a second Motion for Relief (DE 71) as a result of the Debtor's failure to timely maintain ongoing post-petition payments. As of November 1, 2022, Debtor was due for the October and November 2022 payments for a total due of \$2,339.89. On March 9, 2023 an Order was filed granting Secured Creditor's Motion for Relief (DE 74) after Debtor withdrew their opposition (DE 73) to Secured Creditor's Motion.
8. On March 16, 2023, the Debtor filed the THIRD Motion to Reinstate (DE 77). In the CERTIFICATION IN SUPPORT OF MOTION FOR AN ORDER REINSTATING THE AUTOMATIC STAY, the Debtors admit they cannot locate proof of payments for the delinquent payments referenced in Secured Creditor's last filed Motion for Relief from Stay.

9. The account is still currently delinquent for the four (4) payments that were to be remitted on December 1, 2022 through March 1, 2023. The total amount currently due is \$5,116.26 not including the April 2023 payment (*see* Exhibit “A”).
10. It is clear that Debtor has difficulty remitting timely post-petition payments to Secured Creditor and is unable to maintain payments to both the Secured Creditor and the Trustee.
11. For all the reasons previously mentioned, the Secured Creditor respectfully requests the Motion to Reinstate be denied.
12. Secured Creditor reserves the right to amend and or supplement this response prior to the hearing.

WHEREFORE, Secured Creditor respectfully requests entry of an order denying Debtor’s Motion to Reinstate the Automatic Stay as to Secured Creditor and all further relief this Court deems just and proper.

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
130 Clinton Road, Suite 202
Fairfield, NJ 07004
Telephone Number 973-575-0707
By: /s/Aleisha C Jennings
Aleisha C Jennings, Esquire

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CERTIFICATION OF SERVICE AND PROOF OF MAILING

1. I, Aleisha C Jennings, represent LoanCare, LLC in this matter.
2. On April 6, 2023, I caused a copy of the following pleadings and/or documents to the parties listed in the chart below: Response to Debtor's Motion to Reinstate Stay, and Certification of Service.
3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: April 6, 2023

/s/ Aleisha C Jennings
Aleisha C Jennings, Esq.

Name and Address of Party Served	Relationship of Party to Case	Mode of Service
Camille J Kassar Law Offices of Camille Kassar, LLC 271 Route 46 West Suite C-102 Fairfield, NJ 07004	Debtor's Attorney	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
Irene M Heyler 174 Marlboro Rd Old Bridge, NJ 08857	Debtor	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.